



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TBC Consoles, Inc.,)	
)	
Plaintiff,)	05 Civ. 2756 (KMW)
)	
v.)	
)	<u>DISCOVERY PLAN</u>
Forecast Consoles, Inc.)	
)	
Defendants)	
-----)	

**DISCOVERY PLAN PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 26(F)**

Pursuant to Federal Rule of Civil Procedure 26(f), during a conference on June 17, 2005, between counsel for plaintiff TBC Consoles, Inc. (plaintiff) and counsel for defendant Forecast Consoles, Inc. (defendant), counsel for the parties discussed and agreed to the following discovery plan:

- (1) The parties shall exchange the initial disclosures required under Federal Rule of Civil Procedure 26(a)(1) no later than July 5, 2005.
- (2) Both plaintiff and defendant shall serve their first request for production of documents, pursuant to Federal Rule of Civil Procedure 34, no later than July 15, 2005.
- (3) Both plaintiff and defendant shall serve their notices of deposition, pursuant to Federal Rule of Civil Procedure 30, no later than July 15, 2005. Plaintiff anticipates deposing: (To Be Determined). Defendant anticipates deposing: (To Be Determined).

(4) Depositions of the parties shall commence after August 15, 2005, at mutually convenient dates and times, without prejudice to either party conducting a non-party deposition beforehand at a mutually convenient date, time and place.

(5) Both plaintiff and defendant shall serve subpoenas upon any third party witnesses no later than September 15, 2005, seeking the production of documents and/or depositions.

(6) Plaintiff shall serve its expert's report upon defendants, pursuant to Federal Rule of Civil Procedure 26(a)(2), no later than November 15, 2005. The reports shall set forth the facts on which the expert relies and the process of reasoning by which the expert's conclusions are reached.

(7) Defendant shall serve its expert's rebuttal report upon plaintiff, pursuant to Federal Rule of Civil Procedure 26(a)(2), no later than November 30, 2005.

(8) Depositions of the experts shall commence no later than January 15, 2006 for Plaintiff's Expert and January 30, 2006 for Defendant's Expert.

(9) All discovery shall be complete by December 1, 2005, except for expert depositions.

(10) The parties reserve the right to seek or to schedule additional discovery as may become necessary, so long as it is completed by December 1, 2005.

Dated: 6/28/05

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Dated: New York, New York
6 - 28, 2005

[Signature]
Kimba M. Wood
United States District Judge